UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 03-2264

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GARY RICHARD WAUGH,

Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA,

Defendant - Appellee,

and

FEDERAL BUREAU OF PRISONS,

Defendant.

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Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., District Judge. (CA-02-332)

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Submitted: February 19, 2004   Decided: February 24, 2004

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Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Gary Richard Waugh, Appellant Pro Se. Sandra Henson Kinney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellees.

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PER CURIAM:

Gary R. Waugh appeals the district court's order dismissing his complaint made under the Federal Torts Claim Act. See 28 U.S.C. §§ 2671-2680. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2000). The magistrate judge recommended that relief be denied and advised Waugh that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Waugh failed to object to the magistrate judge's recommendation.

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also, Thomas v. Arn, 474 U.S. 140 (1985). Waugh has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we affirm the judgment of the district court.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED